

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HERNAN O'RYAN CASTRO,
Petitioner,

No. C 07-5775 PJH (PR)

ORDER OF DISMISSAL

vs.

ROBERT E. McFADDEN, Warden,
Respondent.

This is a habeas case filed pro se by a state prisoner. At the time he filed it he was living at a half-way house in San Francisco. In the petition he challenged a requirement that he pay part of the cost of his housing at the half-way house. The claim arguably went to the length of his confinement, a prerequisite for a habeas petition, because he was forced to sign an agreement to pay part of the costs on pain of not being allowed to participate in the program and being returned to prison, which would have affected his time credits. When he informed the court that he had been released from the half-way house, he was ordered to show cause why the case should not be dismissed as moot. He has not responded.

The petition is **DISMISSED** without prejudice as moot and for failure to comply with a court order. See Fed. R.Civ.P. 41(b). The clerk shall close the file.

IT IS SO ORDERED.

Dated: September 23, 2008.



PHYLLIS J. HAMILTON
United States District Judge